

FILED

DEC 30 2014

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
DEP CLK

Gustavo Romanello)

)

Vs.)

)

Selene Finance, LP)

CASE No. 5:14-cv-899-BO

TRIAL BY JURY DEMANDED

COMPLAINT FOR VIOLATION OF THE FAIR CREDIT REPORTING ACT

JURISDICTION

1. This Court has jurisdiction under the Fair Credit Reporting Act 15 U.S.C. sec. 1681p (hereinafter "FCRA"), and 28 U.S.C. sec. 1331.
2. All conditions precedent to the bringing of this action have been performed, including trying to amicably settle this matter.

VENUE

3. The occurrences which give rise to this action occurred in Wake County, N.C., and Plaintiff resides in Wake County, N.C.
4. Venue is proper in the Eastern District of North Carolina.

PARTIES

5. The plaintiff in this lawsuit is Gustavo Romanello (hereinafter "Plaintiff") who resides in Wake County, N.C.
6. The defendant is Selene Finance, LP (hereinafter "Selene"), a Texas corporation with offices at 9990 Richmond Ave., Ste. 400, Houston TX 77042,

and may be served with process upon their registered agent, CT CORPORATION SYSTEM, 150 Fayetteville St., Box 1011, Raleigh NC 27601

GENERAL ALLEGATIONS

7. Plaintiff obtained his consumer credit report from TransUnion on February 27, 2013 and discovered an entry by an entity unfamiliar to him, see Exh. A
8. Selene pulled Plaintiff's credit report on October 31, 2012 as an account review and without permissible purpose.
9. Discovery of the violation brought forth herein occurred in February 2013 and is within the statute of limitations as defined in the Fair Credit Reporting Act, 15 U.S.C. sec. 1681p.
10. Plaintiff sent Selene a U.S.P.S. certified return receipt letter that was received on 04/11/13, number 7010-0780-0001-0478-0209, see Exh. B
11. In the letter Plaintiff asked their reason for pulling his credit report.
12. Plaintiff did not received any answer from Defendant Selene.
13. Plaintiff sent a second certified mail letter on March 4, 2014, this time as a Notice of Pending Litigation, and try to settle amicably this matter and save precious Court time, see Exh. C
14. On April 2, 2014 Plaintiff finally received an answer from Selene stating that they have no record of servicing a loan or no active or past accounts with Plaintiff's name, see Exh. D

COUNT I

VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA) 15 U.S.C. sec. 1681 WILLFUL NON-COMPLIANCE BY DEFENDANT SELENE

15. Paragraphs 1 to 14 are realleged as though fully set forth herein.
16. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. sec. 1681a(c)
17. TransUnion is a credit reporting agency within the meaning of the FCRA, 15 U.S.C. sec. 1681a(f)
18. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S.C. sec. 1681a(d)

19. The FCRA, 15 U.S.C. sec. 1681b defines the permissible purposes for which a person may obtain a consumer credit report.
20. Such permissible purposes are generally, if the consumer makes an application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
21. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from defendant Selene.
22. At no time did Plaintiff have any relationship creditor-consumer with Selene.
23. On October 31, 2012 Defendant obtained Plaintiff's TransUnion consumer credit report with no permissible purpose in violation of FCRA, 15 U.S.C. sec. 1681b
24. The FCRA is a strict liability Act.
25. The action of Selene obtaining the consumer credit report of Plaintiff with no permissible purpose was a willful violation of the FCRA and an egregious violation of Plaintiff's right to privacy.

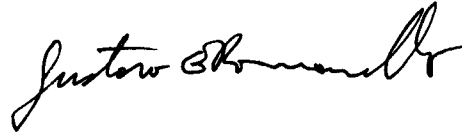
WHEREFORE, Plaintiff demands judgment for damages against Selene for statutory damages of \$1,000, any attorney's fees and costs pursuant to 15 U.S.C. sec. 1681n.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

December 28, 2014
Respectfully submitted,

Gustavo Romanello
5317 Cottage Bluff Ln.
Knightdale, NC 27545
tangogaucho@gmail.com



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing complaint was served to:

Selene Finance, LP
Registered Agent
CT CORPORATION SYSTEM
150 Fayetteville St., Box 1011
Raleigh, NC 27601

This December 28, 2014

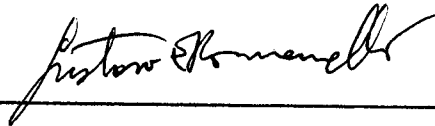
Gustavo Romanello
5317 Cottage Bluff Ln.
Knightdale, NC 27545
tangogaucho@gmail.com



VERIFICATION

The undersigned verify, under penalty of perjury, that he has reviewed the aforementioned COMPLAINT and assert that the allegations therein are true and based on personal knowledge or averred based on information and belief that the same are true.

This the 29th day of December, 2014



Gustavo Romanello

NOTARY PUBLIC

Sworn to and subscribed: Jonathan Vargas



My commission expires:

08/04/2019.

